

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #8	CCRB Case #: 201805560	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/31/2018 9:00 AM	Location of Incident: § 87(2)(b)	Precinct: 20	18 Mo. SOL 9/30/2019	EO SOL 9/30/2019	
Date/Time CV Reported Mon, 07/09/2018 3:32 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/09/2018 3:32 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Marky Sanchez	20660	963260	020 PCT
2. POM Roberto Vasquez	17258	952314	020 PCT
3. Officers			020 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rawdi Ali	15811	963844	020 PCT
2. POM Armando Perez	14643	943665	020 PCT
3. SGT Levy Garcia	05274	936646	020 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Roberto Vasquez	Abuse: Police Officer Roberto Vasquez entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.POM Marky Sanchez	Abuse: Police Officer Marky Sanchez entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
C. Officers	Abuse: Officers entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
D.POM Roberto Vasquez	Abuse: Police Officer Roberto Vasquez forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
E.POM Marky Sanchez	Abuse: Police Officer Marky Sanchez forcibly removed § 87(2)(b) to the hospital	§ 87(2)(b)

## Case Summary

On July 9, 2018, § 87(2)(b) filed the following complaint with the CCRB's intake unit.

On March 31, 2018, at approximately 9:00 am, PO Roberto Vasquez and PO Marky Sanchez of the 20<sup>th</sup> Precinct in Manhattan, along with several other officers, responded to § 87(2)(b)'s residence at § 87(2)(b), after a family member reported that § 87(2)(b) had threatened to harm them. Upon arriving at her door, the officers allegedly bypassed the lock through unknown means and entered the apartment (**Allegations A, B, C: Abuse of Authority – Premises Entered** – § 87(2)(g)). Several EMTs also followed them in. Finding § 87(2)(b) in the living room, PO Vasquez and PO Sanchez then advised § 87(2)(b) that she had to come with them downstairs for a medical evaluation, due to the nature of the reported threat, and stated that she would be taken forcibly if she did not go willingly. Coerced, § 87(2)(b) went downstairs with the officers. When she got into the ambulance waiting outside, § 87(2)(b) was then removed to § 87(2)(b), without explanation and against her will, where she was held in a psychiatric ward for five weeks (**Allegations D, E: Abuse of Authority – Forcible Removal to Hospital** – § 87(2)(g)). The incident did not involve a summons or arrest. There is no relevant video footage.

## Findings and Recommendations

**Allegation A: Abuse of Authority - Police Officer Roberto Vasquez entered § 87(2)(b), in Manhattan.**

**Allegation B: Abuse of Authority - Police Officer Marky Sanchez entered § 87(2)(b), in Manhattan.**

**Allegation B: Abuse of Authority - Officers entered § 87(2)(b), in Manhattan.**

**Allegation D: Abuse of Authority - Police Officer Roberto Vasquez forcibly removed § 87(2)(b) to the hospital.**

**Allegation E: Abuse of Authority - Police Officer Marky Sanchez forcibly removed § 87(2)(b) to the hospital.**

§ 87(2)(g)

§ 87(2)(b) lives by herself in a one-bedroom apartment at § 87(2)(b), in Manhattan. On the morning of March 31, 2018, § 87(2)(b) was involved in a personal argument with her brother-in-law, § 87(2)(b) largely carried out over text-message. At some point during the exchange, § 87(2)(b) messaged the following statement to § 87(2)(b) which she paraphrased as: "I hope your children get hurt the same way I got hurt." There were no further communications between § 87(2)(b) and § 87(2)(b) after she sent this text message. Though she was still upset, § 87(2)(b) went on with her day, remaining in the apartment without any doing anything out of the ordinary. (BR01)

At approximately 9:00 am that day, § 87(2)(b) happened to see through her window that police officers were entering the building but did not immediately realize they were there for her. When

someone then knocked on her door without announcing themselves, § 87(2)(b) stayed in her living room and remained silent. About two minutes later, her door knob started turning as if forced by a tool, the door suddenly swung open, and approximately eight uniformed individuals – about five officers and three EMTs –streamed into the apartment without saying anything. As she was certain that no one besides her, including building management, had keys to her apartment, she did not know how the entry was made. Finding § 87(2)(b) in the living room, two of the officers – identified by the investigation as PO Roberto Vasquez and PO Marky Sanchez – explained why they were there. The officers then advised § 87(2)(b) that she had to come with them downstairs for a medical evaluation, due to the nature of the reported threat, and stated that she would be taken forcibly if she did not come willingly. Coerced, § 87(2)(b) went downstairs with the officers involuntarily. When she got into the ambulance waiting outside, § 87(2)(b) was then removed to § 87(2)(b), without explanation and against her will, where she was held in a psychiatric ward for five weeks. § 87(2)(b) stated that she had not experienced any psychiatric events at the time of the incident, and denied being under the care of a mental health professional. She had nothing further to add regarding the treatment she received at § 87(2)(b). Because § 87(2)(b) declined to sign a HIPAA authorization, the investigation was not able to access any pertinent medical records or interview the involved EMTs. (BR01)

§ 87(2)(b) § 87(2)(b), identified himself as the 911 caller and provided a phone statement. § 87(2)(b) said he was prompted to notify the authorities on the morning of March 31 after § 87(2)(b) text-messaged him, out of the blue, with a threat to his family. § 87(2)(b) transmitted a screenshot of the text message in question. Time-stamped as sent at 7:35 am, the message reads: “I hope your children die as mercilessly as you and my jealous nasty sister have treated me.” (BR09) While § 87(2)(b) and his family were estranged from § 87(2)(b) he knew that § 87(2)(b) was a diagnosed bipolar schizophrenic who had been in and out of psychiatric treatment for much of her life. He thus conveyed to the operator that his mentally ill sister-in-law had threatened to harm his children. § 87(2)(b) was not aware of any history of violence and did not convey anything to this effect. § 87(2)(b) stated that an officer – identified by the investigation as PO Armando Perez – had called him upon arriving at the scene, before § 87(2)(b) had been engaged. § 87(2)(b) told PO Perez exactly what he had told the operator and did not believe he had any additional questions. While he read the text-message to § 87(2)(b) word for word, he never sent anybody a screenshot of the message. About 40 minutes later, PO Perez called § 87(2)(b) back to advise that § 87(2)(b) been removed to the hospital. PO Perez did not convey anything further and § 87(2)(b) knew nothing about how the offices entered § 87(2)(b)s apartment and removed her from the premises. (BR02)

The audio recording of § 87(2)(b)s 911 call is consistent with the above. There is no recording of the two conversations between § 87(2)(b) and PO Perez. (BR10-BR11, BR20)

The investigation interviewed four officers who responded to the scene – PO Roberto Vasquez and PO Marky Sanchez, who were assigned to the job, and PO Armando Perez and PO Rawdi Ali, who were there as back up. In sum, PO Vasquez and PO Sanchez § 87(2)(g) 1.) the officers both denied using tools or force to enter the apartment, but PO Vasquez recalled nothing about how they gained access, whereas PO Sanchez stated that § 87(2)(b) let them in; 2.) PO Vasquez could not

elaborate on his brief AIDED report narrative, which stated that the officers “responded to a call of an EDP” at the location,” that they “observed § 87(2)(b) inside the apartment was in distress,” and that she had “mentioned via text that she wanted to harm others...” (BR13); 3.) PO Sanchez believed that the text message was reported by a family member because § 87(2)(b) had communicated suicidal ideation (either as already attempted or anticipated), and that the officers’ primary concern was her being a danger to herself; 4.) neither officer could describe specifically how § 87(2)(b) – whether by her statements, demeanor, or behavior at the scene – appeared be an immediate threat to herself or others, or otherwise mentally ill or emotionally disturbed; and 5.) while the officers both described EMS as being with them in the apartment and actively involved, PO Vasquez did not recall who ultimately authorized § 87(2)(b)’s removal to the hospital, whereas PO Sanchez stated that it was a joint decision between them and the EMTs. (BR04-BR05)

PO Vasquez recalled nothing regarding how the decision was conveyed to § 87(2)(b) or how she reacted. PO Sanchez stated that § 87(2)(b) initially refused when they asked her to come with them to the hospital for an evaluation, but eventually agreed to do so. The officers did not recall expressing to § 87(2)(b) that she had no other choice. Per PO Vasquez, a supervising sergeant responded to the scene at some point in time, but he did recall when; and while he was certain that the supervisor was consulted about the incident "overall," he could not specify when or about what. PO Sanchez did not recall if the officers conferred with a supervisor regarding the entry or the removal. (BR04-BR05)

PO Perez recalled nothing whatsoever about the incident. Neither did PO Ali, who was still a recently graduated trainee at the time. (BR06-BR07)

Sgt. Levy Garcia, the patrol supervisor for the tour, had no recollection of being aware of or involved with the incident in any capacity, and could not say when and how he came to sign-off on the AIDED report. (BR08)

The event documentation and police radio communications do not show a supervisor present at the scene. And while the event chronology and unit information indicate possible communication to or from the responding units and the patrol sergeant, the audio documents no such relays. (BR10-BR11, BR20) The officers’ memo books noted no additional information either. (BR14-BR18)

Per Patrol Guide Procedure 221-03, regarding the removal of emotionally disturbed persons to the hospital: “When a uniformed member of the service reasonably believes that a person who is apparently mentally ill or emotionally disturbed, must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others.” (BR19)

§ 87(2)(g)  
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[illegible]

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has not been a party to any prior CCRB complaints.
- PO Vasquez has been a member of service for 7 years: he has been a subject in two prior complaints, and two allegations, neither of which were substantiated. § 87(2)(g)
- PO Sanchez has been a member of service for 2 years: he has been a subject in one prior complaint, with one allegation; the complaint was withdrawn. § 87(2)(g)

## **Mediation, Civil and Criminal Histories**

§ 87(2)(b) rejected mediation. Notice of claim results are pending. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(b)]

Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_

Squad Leader: \_\_\_\_\_

Signature \_\_\_\_\_ Print Title & Name \_\_\_\_\_ Date \_\_\_\_\_